



City of San José

City of San José
200 East Santa Clara Street
San Jose, CA 95113

Agenda

Joint Meeting for the Rules and Open Government Committee and Committee of the Whole

Committee Members
Chappie Jones, Chair
Raul Peralez, Vice Chair
Sylvia Arenas, Member
David Cohen, Member
Dev Davis, Member

Committee Staff
Lee Wilcox, Deputy City Manager
Toni Taber, City Clerk
Nora Frimann, City Attorney
Gloria Schmanek, City Manager's Office
Henry Smith, Mayor's Office

Wednesday, April 7, 2021

2:00 PM

Virtual Meeting
<https://sanjoseca.zoom.us/j/93828586066>

*** COVID-19 NOTICE ***

Consistent with the California Governor's Executive Order No. N-29-20, Resolution No. 79485 from the City of San José and the Santa Clara County Health Officer's March 16, 2020 Shelter in Place Order, the City Council Committee meeting will not be physically open to the public and the Committee Members will be teleconferencing from remote locations.

How to observe the Meeting (no public comment):

- 1) Cable Channel 26,
- 2) <https://www.sanjoseca.gov/news-stories/watch-a-meeting>, or
- 3) <https://www.youtube.com/CityofSanJoseCalifornia>

How to submit written Public Comment: 1) By email to city.clerk@sanjoseca.gov by 9:00 a.m. the day of the meeting.

How to provide spoken Public Comment during the City Council Meeting:

1) By phone 888 475 4499. 938 2858 6066 Click *9 to raise a hand to speak. Press *6 to unmute.
Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free)

2) By online <https://sanjoseca.zoom.us/j/93828586066>

a. Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.

b. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.

c. When the Committee Chair calls for the item on which you wish to speak, click on "raise hand." Speakers will be notified shortly before they are called to speak.

d. When called, please limit your remarks to the time limit allotted.

A. City Council (City Clerk)

1. Review Final Agenda

[ROGC
21-319](#)

Review April 13, 2021 Final Agenda

a. Add New Items to Final Agenda

b. Assign "Time Certain" to Agenda Items (if needed)

c. Review of Notice of Waiver Requirements for Agenda Items or Documents (if needed)

Attachments [Agenda
Add Sheet](#)

2. Review Draft Agenda

[ROGC
21-320](#)

Review April 20, 2021 Draft Agenda

a. Add New Items to Draft Agenda

b. Assign "Time Certain" to Agenda Items (if needed)

c. Review of Notice of Waiver Requirements for Agenda Items or Documents (if needed)

Attachments [Agenda](#)

B. Review of Upcoming Special Meeting Agenda(s)

C. Legislative Update

1. State
2. Federal

D. Meeting Schedules

1. [ROGC](#)
[21-348](#) City of San José and County of Santa Clara Joint Committee Meeting.
(City Manager)

Recommendation: Set a Joint Meeting between the City of San José Public Safety, Finance and Strategic Support Committee (PSFSS)/Committee of the Whole and the Santa Clara County Children Seniors, and Families Committee on Thursday, April 29, 2021 at 1:00 pm.

Attachments [Memorandum](#)

E. The Public Record

- [ROGC](#)
[21-321](#) The Public Record for March 18, 2021 - April 1, 2021. (City Clerk)
Receive and file the Public Record for March 18, 2021 - April 1, 2021.

Attachments [The Public Record](#)

F. Boards, Commissions and Committees

1. Appointments

- a. [ROGC](#)
[21-351](#) VEBA Advisory Committee Appointment. (Human Resources)

Recommendation:

1. Approve the appointment of Aidan Guy, nominated by the Police Officers' Association as the Police Officers' Association active employee member, to the Voluntary Employees Beneficiary Association (VEBA) Advisory Committee for a partial term beginning May 1, 2021 and ending May 31, 2024.
2. Place the item on the April 13, 2021 City Council Agenda for action.

Attachments [Memorandum](#)

2. Work Plans & Annual Reports

G. Rules Committee Reviews, Recommendations and Approvals

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine and will be adopted by one motion. If a member of the Committee, staff, or public requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

1. Consent Calendar

- a. [ROGC
21-347](#) Approval of Walnut Mobile Home Park Dumpster Day Sponsored by Council District 2 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Jimenez)

- Recommendation:**
1. Approve the Walnut Mobile Home Park Dumpster Day scheduled on April 10, 2021 as a City Council sponsored Special Event and approve the expenditure of funds.
 2. Approve and accept donations from various individuals, businesses or community groups to support the event.
 3. Place the item on the April 13, 2021 Council Agenda for action.

Attachments [Memorandum from Jimenez](#)

- b. [ROGC
21-334](#) Retroactive Approval of Dumpster Day Sponsored by Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Carrasco)

- Recommendation:**
1. Retroactively approve the Dumpster Day scheduled on February 27, 2021 as a City Council sponsored Special Event and approve the expenditure of funds.
 2. Approve and accept donations from various individuals, businesses or community groups to support the event.
 3. Place the item on the April 13, 2021 Council Agenda for action.

Attachments [Memorandum from Carrasco](#)

- c. [ROGC
21-330](#) Retroactive Approval of Annual Leadership Sponsored by Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Carrasco)

- Recommendation:**
1. Retroactively approve the Annual Leadership scheduled on March 26, 2021 as a City Council sponsored Special Event and approve the expenditure of funds.
 2. Approve and accept donations from various individuals, businesses or community groups to support the event.
 3. Place the item on the April 13, 2021 Council Agenda for action.

Attachments [Memorandum from Carrasco](#)

- d. [ROGC
21-350](#) Approval of April 2021 as Stress Awareness Month Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Arenas)

- Recommendation:**
1. Approve the April 2021 as Stress Awareness Month as a City Council sponsored Special Event and approve the expenditure of funds.
 2. Approve and accept donations from various individuals, businesses or community groups to support the event.
 3. Place the item on the April 13, 2021 Council Agenda for action.

Attachments [Memorandum from Arenas](#)

- e. [ROGC
21-355](#) Approval of Sexual Assault Awareness Month Community Event Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Arenas)

- Recommendation:**
1. Approve Sexual Assault Awareness Month scheduled in April 2021 as a City Council sponsored Special Event and approve the expenditure of funds.
 2. Approve and accept donations from various individuals, businesses or community groups to support the event.
 3. Place the item on the April 27, 2021 Council Agenda for action.

Attachments [Memorandum from Arenas](#)

- f. [ROGC
21-338](#) Retroactive Approval of Dumpster Day in the Tropicana Lanai Neighborhood Sponsored by Council District 7 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Esparza)

- Recommendation:**
1. Retroactively approve the Dumpster Day in the Tropicana Lanai Neighborhood scheduled on March 13, 2021 as a City Council sponsored Special Event and approve the expenditure of funds.
 2. Approve and accept donations from various individuals, businesses or community groups to support the event.
 3. Place the item on the April 13, 2021 Council Agenda for action.

Attachments [Memorandum from Esparza](#)

- g. [ROGC
21-339](#) Retroactive Approval of Dumpster Day on Singleton Drive Sponsored by Council District 7 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Esparza)

- Recommendation:**
1. Retroactively approve the Dumpster Day on Singleton Drive scheduled on March 20, 2021 as a City Council sponsored Special Event and approve the expenditure of funds.
 2. Approve and accept donations from various individuals, businesses or community groups to support the event.
 3. Place the item on the April 13, 2021 Council Agenda for action.

Attachments [Memorandum from Esparza](#)

- h. [ROGC
21-340](#) Retroactive Approval of Owsley Community Baseball Clinic Sponsored by Council District 7 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Esparza)

- Recommendation:**
1. Retroactively approve the Owsley Community Baseball Clinic scheduled on March 27, 2021 as a City Council sponsored Special Event and approve the expenditure of funds.
 2. Approve and accept donations from various individuals, businesses or community groups to support the event.
 3. Place the item on the April 13, 2021 Council Agenda for action.

Attachments [Memorandum from Esparza](#)

- i. [ROGC
21-341](#) Retroactive Approval of Los Lagos Easter Egg Drive Through Sponsored by Council District 7 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Esparza)

- Recommendation:**
1. Retroactively approve the Los Lagos Easter Egg Drive Through scheduled on March 27, 2021 as a City Council sponsored Special Event and approve the expenditure of funds.
 2. Approve and accept donations from various individuals, businesses or community groups to support the event.
 3. Place the item on the April 13, 2021 Council Agenda for action.

Attachments [Memorandum from Esparza](#)

- j. [ROGC
21-342](#) Retroactive Approval of Ramblewood Elementary Easter Egg Giveaway Sponsored by Council District 7 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Esparza)

- Recommendation:**
1. Retroactively approve the Ramblewood Elementary Easter Egg Giveaway scheduled on March 31, 2021 as a City Council sponsored Special Event and approve the expenditure of funds.
 2. Approve and accept donations from various individuals, businesses or community groups to support the event.
 3. Place the item on the April 13, 2021 Council Agenda for action.

Attachments [Memorandum from Esparza](#)

- k. [ROGC
21-343](#) Retroactive Approval of Seven Trees Easter Egg Giveaway Sponsored by Council District 7 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Esparza)

- Recommendation:**
1. Retroactively approve the Seven Trees Easter Egg Giveaway scheduled on April 2, 2021 as a City Council sponsored Special Event and approve the expenditure of funds.
 2. Approve and accept donations from various individuals, businesses or community groups to support the event.
 3. Place the item on the April 13, 2021 Council Agenda for action.

Attachments [Memorandum from Esparza](#)

- I. [ROGC](#)
[21-360](#) Approval of 15th Annual Santos Family Car Show Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Cohen)

- Recommendation:**
1. Approve the 15th Annual Santos Family Car Show scheduled on September 4, 2021 as a City Council sponsored Special Event and approve the expenditure of funds.
 2. Approve and accept donations from various individuals, businesses or community groups to support the event.
 3. Place the item on the April 13, 2021 Council Agenda for action.

Attachments [Memorandum from Cohen](#)

END OF CONSENT

2. [ROGC](#)
[21-322](#) Monthly Report of Activities for March 2021. (City Auditor)

Recommendation: Approve the Auditor's Office Monthly Report of Activities for the month of March 2021.

Attachments [Memorandum](#)

3. [ROGC](#)
[21-354](#) Santa Clara Valley Water Districts Efforts to Develop Purified Water Projects in Santa Clara County. (Mayor, Jones and Jimenez)

Recommendation:

Accept staff's recommendation to accept the report regarding the status of the Santa Clara Valley Water District's (Valley Water) Purified Water Project in Santa Clara County and direct the Administration to:

1. Negotiate an amended or new Master Agreement between Valley Water and the City of San José and Valley Water relating to Valley Water's Payment for City's support services to the expedited purified water program for an amount adequate to fund all costs incurred by the City to support negotiation of new agreements including legal services and a facilitator.
2. Coordinate with Valley Water to negotiate and enter into a three-party agreement with a consultant to facilitate negotiation meetings between the City and Valley Water for six months; and establish the executive steering committee comprised of representatives from the San Jose City Council and Valley Water Board, staff from each agency only if the negotiation with the facilitator requires additional guidance.
3. Negotiate with Valley Water an agreement to fund the reservation of wastewater effluent for potential water reuse projects with terms and conditions substantially similar to the Partnership Agreement to Advance Resilient Water Reuse Programs in Santa Clara County between Valley Water and the cities of Palo Alto and Mountain View dated December 10, 2019.
4. Return to the San José City Council in December 2021 for action/consideration on a reservation of wastewater effluent agreement with Valley Water.
5. Following the reservation of wastewater effluent, engage Valley Water to negotiate an amended or new Ground Lease and Property Use Agreement for the existing Advanced Water Treatment Facility, concurrently with an amended or new Recycled Water Facilities and Programs Integration Agreement.
6. Direct the administration to continue prior Council direction on negotiating the expanded use of recycled water with Valley Water to increase a local, drought-resilient water supply and reduce reliance on imported water.
7. Return to the San José City Council on June 15, 2021 with an update regarding the status of the negotiations.

Attachments [Memorandum from Mayor, Jones & Jimenez](#)

H. Review of additions to Council Committee Agendas/Workplans

1. Community and Economic Development Committee

[ROGC](#)
[21-349](#)

Update to the January 2021 - June 2021 Community and Economic Development Committee Work Plan. (City Manager)

Recommendation:

Approve the following changes to the January 2021 - June 2021 Community and Economic Development (CED) Committee work plan:

1. Drop the following item from the April 26, 2021 CED Committee meeting:

City Council Policy Priority # 8 (re-prioritized as City Roadmap Backlog #22): Cannabis Equity Application Program Status Report. (Economic Development)

2. Drop the following item from the June 28, 2021 CED Committee meeting:

City Council Policy Priority #4 (now on the un-numbered City Roadmap Priorities): Soft Story Retrofit Program Status Report. (Planning, Building and Code Enforcement)

Attachments [Memorandum](#)

2. Neighborhood Services and Education Committee

[ROGC](#)
[21-356](#)

Update to the January 2021 - June 2021 Neighborhood Services and Education Committee Work Plan. (Library)

Recommendation:

Approve the update to the January 2021 - June 2021 Neighborhood Services and Education Committee Work Plan to drop the following from the April 8, 2021 meeting:

Education & Digital Literacy Strategy Annual Report. (Library)

Attachments [Memorandum](#)

3. Transportation and Environment Committee

4. Public Safety, Finance and Strategic Support Committee

5. Joint Meeting of the Rules and Open Government Committee and Committee of the Whole

6. Smart Cities and Service Improvement Committee

I. Open Government

J. Open Forum

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.

K. Adjournment

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent services, in a positive and timely manner, and in the full view of the public. The City Code of Ethics may be viewed online.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at San José City Hall, Office of the City Clerk, 200 E. Santa Clara Street, 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

To request an accommodation or alternative format for City-sponsored meetings, events or printed materials, please call the Office of the City Clerk 408-535-1260 as soon as possible, but at least three business days before the meeting/event.

Access the video, the agenda and related reports for this meeting by visiting the City's website.